

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

December 4, 2015

These minutes were
approved by the Board on
February 12, 2016

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Hupka, Chairperson, at 9:34 a.m. in Lower Level Conference Room D, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

<u>Members Present:</u>	Kim Adams Johnson	-	Vice-Chair
	Brian Allison	-	Secretary
	Michelle Helaney	-	Member
	Keli Hupka	-	Chairperson
<u>Others Present:</u>			
Ed Vierk, Assistant Attorney General			
Kris Chiles, Program Manager, Licensure Unit			
Nancy Herdman, Health Licensing Coordinator, Licensure Unit			

Michele Helaney was introduced as the new member.

2. ADOPTION OF AGENDA

MOTION: Adams Johnson moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (10-23-15)

MOTION: Adams Johnson moved, seconded by Allison, to approve the minutes of October 23, 2015. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka (3). Voting nay: None (0). Abstain: Helaney (1). Absent: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

Chiles and Vierk explained the purpose of closed session, investigations reports and processing and disciplinary action options for the new member. Chiles stated the Board was an advisory board.

MOTION: Adams Johnson moved, seconded by Allison, to enter into closed session at 9:58 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:30 a.m. - Allison departed meeting (conflict)
10:42 a.m. - Break
10:46 a.m. - Meeting resumed
Allison entered meeting

MOTION: Adams Johnson moved, seconded by Helaney, to enter into open session at 10:56 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:56 a.m. - Debbie Stogdill from Omaha School of Massage and Healthcare of Herzing University entered the meeting and introduced herself

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

Charla Jacob

MOTION: Adams Johnson moved, seconded by Allison, to recommend offering a 6 month probationary massage therapist license, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Gabriel Tufts - Reinstatement

MOTION: Allison moved, seconded by Hupka, to recommend reinstatement of the massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Motion carried.

Amy Furlong

MOTION: Allison moved, seconded by Adams Johnson, to recommend offering a 2 year probationary massage therapist license, to include the standard terms and conditions and the following: no solo practice, quarterly employer reports, follow recommendations of 10-30-15 evaluation, complete 3 hours of ethics and health professionalism continuing education approved by the Board. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Motion carried.

Elizabeth Honig - Reinstatement

MOTION: Adams Johnson moved, seconded by Helaney, to recommend offering reinstatement of the massage therapist license with 4 year probation, to include the standard terms and conditions and the following: no solo practice, quarterly employer reports, follow the evaluation recommendations, jurisprudence examination. A roll call vote was taken. Voting aye: Adams Johnson, Helaney, Hupka (3). Voting nay: None (0). Abstain: Allison (1). Motion carried.

Moved to agenda item 7b.

7. NEW BUSINESS

b. Select 2016 Meeting Dates – Feb, April, June, Aug, Oct, Dec

The meeting dates of 2-12-16, 4-22-16, 6-24-16, 8-12-16, 10-21-16, 12-9-16 were selected. The 2-12-16 meeting will be all day with a regular board meeting and a regulation work session meeting.

11:14 a.m. - Vierk departed meeting

11:16 a.m. - Kevin Griess, Department attorney, entered the meeting

Moved back to agenda item 5.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Chiles reported there were three school applications. For Essence of Life Therapeutic Academy, North Platte, the Board had 11 questions. As soon as a final response is received from the school, the materials will be forwarded to the Board for review which is to be completed within 2 weeks of receipt.

MOTION: Adams Johnson moved, seconded by Hupka, to recommend approving the school application of Pure Life Massage School of Massage Therapy, of Chadron, Nebraska. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka (3). Voting nay: None (0). Abstain: Helaney (1). Motion carried.

MOTION: Adams Johnson moved, seconded by Hupka, to recommend approving the school application of Five Elements Massage, Martial Arts and Oriental Health Center LLC DBA Omaha Blue Waves Massage, Bodyworks and Education Center, of Omaha, Nebraska. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka (3). Voting nay: None (0). Abstain: Helaney (1). Motion carried.

6. UNFINISHED BUSINESS

a. Review and Discussion Relating to School Survey Comments

Chiles reported two school surveys had been received. She stated the purpose was to gather information to assist the Board as they reviewed the regulations. The Board reviewed the responses and identified the following areas for future regulation revision discussions:

- Role of the physician
- On-line education
- Hours of training for initial license and what should it include
- Positives and negatives of re-initiating provider approval of continuing education

b. Revised Regulations – Next Step

The Board agreed to have a Regulation Work Session the same day as the 2-12-16 Board Meeting.

11:57 a.m. - Allison departed meeting
12:01 p.m. - Allison entered meeting

7. NEW BUSINESS

a. Correspondence

There was no additional information.

b. Select 2016 Meeting Dates – Feb, April, June, Aug, Oct Dec

This item was addressed earlier.

c. Review/Revision of Conviction Review Guidelines

The Board agreed to defer this to the next meeting.

12:08 p.m. - Stogdill departed meeting
12:10 p.m. - Griess departed meeting
12:11 p.m. - Griess entered meeting

d. Other

Griess reported this would be his last meeting with the Board as his duties had been re-assigned. He stated Teresa Hampton would be assigned as the Department attorney for this Board.

8. UPDATES AND REPORTS

a. Nebraska Chapter of AMTA

There was no information to report.

b. Federation of State Massage Therapy Boards (FSMTB)

Adams Johnson reported a new Board member had been appointed.

12:15 p.m. - Stogdill entered meeting

c. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information / School Report

Chiles reported the following statistics for 2015:

Examination

- Jurisprudence -continuing education 20 pass
- Jurisprudence -probation 8 pass, 2 fail
- Jurisprudence -reciprocity 45 pass, 10 fail
- MBLEx 62 pass, 2 fail

Administrative Penalties

\$1350 had been assessed and \$970 collected.

Licenses

- Massage Therapist 1269
- Massage Therapy Establishment 466
- Massage Therapy School 5
- Out-of-State Massage Therapy Training 2
- Temporary Massage Therapist 3

Renewals:

- 1523 licenses, 373 did not renew
- 624 establishments, 197 did not renew

Chiles distributed the Disciplinary/Non-Disciplinary Report beginning January 2015.

d. Other

There was no information to report.

9. Adjournment

a. Officers / Transcript Reviewer / Investigative Consultant / FSMTB Delegate

MOTION: Allison moved, seconded by Adams Johnson, to retain the same officer slate for 2016. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Abstain: None (0). Motion carried.

Keli Hupka	-	Chairperson
Kim Adams Johnson	-	Vice-Chair
Brian Allison	-	Secretary

The following appointments were agreed to by the Board:

Transcript Reviewer – Hupka
Investigative Consultant – Adams Johnson
FSMTB Delegate – Hupka

10. Adjournment

There being no further business, Hupka declared the meeting of the Board of Massage Therapy adjourned at 12:24 p.m.

Respectfully Submitted,

Brian Allison, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator